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United States Department of the Interior

FISH AND WILDLIFE SERVICE
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TAKE PRIDE IN AMERICA

March 16, 1993

Jerry S. Van Fossen
Deputy Project Manager
Department of Energy
Weldon Spring Site
7295 Highway 94 South
St. Charles, Missouri 63304

FWS Reference: 1-3-93-I-312

Dear Mr. Van Fossen:

This is in response to your letter dated December 7, 1992, transmitting the biological assessment concerning clean-up activities at the Weldon Spring Chemical Plant in St. Charles County, Missouri. The assessment discusses alternatives regarding contaminated waste disposal and construction of a combination disposal cell at the Hanford Works facility near Richland, Washington, and at the Envirocare facility near Clive, Utah. The following is a response prepared only for the alternative connected with the Department of Energy (DOE), Hanford facility, in Washington.

The U.S. Fish and Wildlife Service does not concur that the proposed activity will have "no effect" to bald eagles and peregrine falcons. The assessment states that because of human activity associated with cell construction, maintenance, and other activities, the likelihood of bald eagles foraging in the project area would be limited. The assessment further states that peregrine falcons would be expected to avoid the disposal sell area because of the same reasons. The statements appear to indicate bald eagles and peregrine falcons "may be adversely affected" as a result of the project since these species would avoid the area as a result of project activities. Activities related to disposal cell construction, operation and maintenance, including waste material delivery, transport, and unloading, and their effect on these species should be discussed at length and described in more detail.

A "not likely to adversely affect" determination by the DOE could be deemed in compliance with section 7(a)(2) of the Endangered Species Act (Act) of 1973, as amended, if information could be provided to the Service indicating the activities are found to have discountable or insignificant effects upon listed species. However, that determination would require Service concurrence. If a "not likely to adversely affect" determination cannot be made during informal

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consultation, then formal consultation is required for those actions that "may affect" listed species.

During your reanalysis of effects upon listed species the Service recommends that measures be taken to minimize impacts to federal candidate species. In particular, the western sage grouse *(Centrocercus upophasianus phaios)*, ferruginous hawk (*Buteo regalis*), and the loggerhead shrike (*Lanius ludovicianus*) are of concern. Candidate species are included simply as advance notice to federal agencies of species which may be proposed and listed in the future. Protection provided to candidate species now may preclude possible listing in the future.

Your interest in endangered species is appreciated. If this office can be of further assistance or if you have questions concerning your responsibilities under the Act, please contact Jeff Haas or Jim Michaels of my staff at the letterhead phone/address.

Sincerely,

David C. Frederick
State Supervisor

c: WDW, Olympia (Nongame)
WDW, Yakima (Fitzner)
WNHP, Olympia